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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,)
09 Plaintiff,) CASE NO. CR04-221-TSZ
10 v.)
11 LOWELL GLENN PROFIT,) SUMMARY REPORT OF U.S.
12 Defendant.) MAGISTRATE JUDGE AS TO
ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
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14 An evidentiary hearing on supervised release revocation in this case was scheduled
15 before me on April 11, 2011. The United States was represented by AUSA Lisca Borichewski
16 and the defendant by James Newton. The proceedings were digitally recorded.

17 Defendant had been sentenced on or about July 8, 2005 by the Honorable Thomas S.
18 Zilly on a charge of Transmission of Child Pornography, and sentenced to 7 years custody, 10
19 years supervised release.

20 The conditions of supervised release included the standard conditions plus the
21 requirements that defendant cooperate in the collection of DNA, be prohibited from possessing
22 a firearm, submit to mandatory drug testing, abstain from alcohol, submit to search, participate

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01 in mental health/sexual offender treatment, have no unsupervised contact with minors,
02 participate in a specialized sexual offender treatment program with testing, make reasonable
03 progress in all treatment sessions, follow lifestyle restrictions as specified, have no contact with
04 any electronic device which connects with the internet unless allowed by his probation officer,
05 allow his probation officer to inspect any personal computer, notify his probation officer of all
06 software owned or acquired, cooperate with ongoing computer monitoring, and be restricted
07 from employment which may required him to work with minors unless preapproved by his
08 probation officer. (Dkt. 70.)

09 On July 12, 2010, defendant admitted violating the conditions of supervised release by
10 failing to follow the instructions of his probation officer, failing to truthfully answer inquiries
11 from his probation officer, and failing to register as a sex offender. (Dkt. 103.) Defendant was
12 sentenced to four months in custody, 9 years and 8 months supervised release. (Dkt. 108.)
13 Some of the conditions of supervised release were expanded and/or clarified, including the
14 requirement that defendant participate in home confinement with electronic monitoring for up
15 to 120 days, obtain pre-approval for his residence, and have no contact with victims associated
16 with his prior sex offense convictions. (*Id.*, at 5, Dkt. 109.)

17 In an application dated March 8, 2012 (Dkt. 110, 111), U.S. Probation Officer Steven R.
18 Gregoryk alleged the following violation of the conditions of supervised release:

19 1. Possession of sexually explicit materials as defined in 18 U.S.C. § 2256(2), in
20 violation of the special condition.

21 Defendant was advised in full as to the charge and as to his constitutional rights.

22 Defendant admitted the violation and waived any evidentiary hearing as to whether it

01 occurred. (Dkt. 119.)

02 I therefore recommend the Court find defendant violated his supervised release as
03 alleged, and that the Court conduct a hearing limited to the issue of disposition. The next
04 hearing will be set before Judge Zilly.

05 Pending a final determination by the Court, defendant has been detained.

06 DATED this 11th day of April, 2011.

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09 Mary Alice Theiler
United States Magistrate Judge

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12 cc: District Judge: Honorable Thomas S. Zilly
AUSA: Lisca Borichewski
13 Defendant's attorney: James Newton
14 Probation officer: Steven R. Gregoryk
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